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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,416	01/28/2004	Robert W. Bussard	016755-0118	2850

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EXAMINER

NGUYEN, HOANG M

ART UNIT PAPER NUMBER

3748

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,416

Applicant(s)

BUSSARD, ROBERT W.

Examiner

Hoang M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,8-14,16-28 and 31 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,7,15,29,30 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It's unclear if the phrases inside parentheses are parts of the claim or not.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by US 4438630 (Rowe).

Rowe discloses a cogeneration system comprising a solar energy system 200 comprising a hot tank 216, a cold tank 228, a heat exchanger forming a steam generator 204, a solar concentrator 202.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 8-11, 14, 16-25, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4438630 (Rowe) in view of U.S. 4064867 (Schlesinger). Rowe discloses all the claimed subject matter as set forth above, but does not disclose a valve

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for returning fluid from the second tank to the solar concentrator. Schlesinger is relied upon to disclose it's well known to provide a pair of valves 44, 76, for returning fluid from the tanks to the solar concentrator. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the valves in Rowe as taught by Schlesinger for the purpose of controlling the flow rates from the tanks to the solar concentrator. Regarding claims 16-25, it would have been obvious for a person having ordinary skill in the art to select different types of solar collector, set up, changing the angle according to the specific times, different types of condensers, automobile engines..etc... for the purpose of achieving specific work output.

Claims 12-13, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4438630 (Rowe) in view of U.S. 4064867 (Schlesinger) and further in view of US 4326388 (McFee). Rowe as modified by Schlesinger discloses all the claimed subject matter as set forth above, but does not disclose a valve for returning fluid from the heat exchanger to the tank. McFee is relied upon to disclose it's well known to provide a pair of valves 26, 27, for returning fluid from the heat exchangers to the tanks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the valves in Rowe as taught by McFee for the purpose of controlling the flow rates from the heat exchanger to the tank.

Claims 28, 31, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4438630 (Rowe). Rowe discloses all the claimed subject matter as set forth

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above in the rejection of claim 27, but does not disclose different types of solar collector, set up, changing the angle according to the specific times, different types of condensers, automobile engines..etc... However, it would have been obvious for a person having ordinary skill in the art to select different types of solar collector, set up, changing the angle according to the specific times, different types of condensers, automobile engines..etc... for the purpose of achieving specific work output.

Claims 2-4, 6-7, 15, 29-30, 32, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ruder, Skala, Brautigam, and Coers et al disclose power plants comprising hot tanks and cold tanks.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (571)-272-4859. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.

A handwritten signature in black ink, appearing to be 'HN' followed by a stylized flourish, with the date '12/25/04' written below it.

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
12/25/04